

Appln. No. : 10/082,774
Applicant : Fitzpatrick, et al.
Filed : February 25, 2002
TC/A.U. : 2644
Examiner : Briney III, Walter F.

Confirmation No. 4419

Docket No. : 6169-238
IBM Docket No. : BOC9-2001-0002

SUPPLEMENTAL DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22203-1450

Sir:

I, James J. Toohey, a citizen of the United States of America, residing in Boca Raton, Florida, hereby declare and state as follows:

1. I reaffirm that I was employed by International Business Machines Corporation (IBM) at the time the above-identified application was conceived and that I continue to be employed by IBM. I make this declaration in support of the above-identified application.

2. As previously stated, I, as a named co-inventor for this invention, prepared the description of the invention that was set forth in the previously-submitted IBM Confidential Invention Disclosure BOC8-2001-0009, which was reviewed by my co-inventors Gregory P. Fitzpatrick and David B. Lebowitz, and which was submitted for consideration to an IBM Attorney/ Patent Professional on February 15, 2001. The content of the disclosure has not been subsequently modified and represents a fully conceived and workable invention as written. As also previously stated, I reviewed the claims of the above-mentioned patent application prior to submission of the application to assure the claimed invention was fully supported by the disclosure in light of the invention disclosure and art known at the time of the disclosure.

(WP288353:3)

3. I make this Supplemental Declaration to establish that I co-conceived of the present invention at least as early as February 15, 2001, and exercised due diligence from that date to February 25, 2002, the filing date for the above-identified patent application.

4. With specific regard to the period between January 25, 2002, and February 8, 2002, I and my co-inventors were actively engaged in activities in support of the filing of the above-identified patent application. Outside counsel submitted a draft of the patent application for review by all inventors via U.S. Postal Service First Class Mail on Friday, January 25, 2002. Copies of the draft reached me and my co-inventors in our respective cities by mail some time between January 29, 2002, and February 1, 2002, of the following week. We immediately began reviewing the draft. Between February 1, 2002 and February 8, 2002, I and my co-inventors corresponded with one another regarding the draft. Because my co-inventors and I were located in different geographic regions, some of the time between February 1, 2002, and February 8, 2002, was devoted to the sending and waiting for replies to our respective correspondences regarding draft revisions.

5. Between February 8, 2002, and the filing of the above-identified patent application on February 25, 2002, my co-inventors and I relied on outside counsel to incorporate the revisions we had submitted regarding the original draft. We also made ourselves available for clarifying our suggested revisions and assisting in the making of such revisions. We also provided information such as that requested by outside counsel on February 18, 2002.

6. I also declare that all events relating to conception of the invention and due diligence leading to the filing of the above-identified application occurred within the United States.

{WP288353.3}

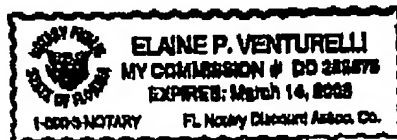
7. I further declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the above-identified patent application or any patent issuing thereon.

James J. Toohey
James J. Toohey

Date: 02/24/2006

STATE OF FLORIDA)
) ss:
COUNTY OF PALM BEACH)

The foregoing instrument was sworn to and subscribed before me this 24 day of February, 2006, by JAMES J. TOOHEY, who is (personally known) to me or who has produced _____ (type of identification) as identification.



Elaine P. Venturelli
NOTARY PUBLIC,
STATE OF FLORIDA
ELAINE P. VENTURELLI
(Print, Type or Stamp Commissioned Name of Notary Public)